(4) (7)

c.f. 102

IN THE HIGH COURT OF JUDICATURE AT BILASPUR [C.G.]

W.P. NO. 2639 OF 2004

PETITIONER Dheeraj Agrawal, S/o. Shyam Hari Agrawal, aged about 19 years, R/o. Shyam Nagar, Near V.V.V.School, Raipur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Education Mantralaya D.K.S. Bhawan Raipur (C.G.)

2. Chhattisgarh Board of Secondary Education Pension Bada, Raipur [C.G.]

3. Director, Medical Education D.K.S. Bhawan, Raipur [C.G.]

P.R. No. 26/9/04
Presented by Shri Rajkumar Agrawal
dated 15-9-04
RECEIVED COPY
18/9/04
Clerk to A. G. Bilaspur

PETITION UNDER ARTICLDE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS OF CERTIORARI AND MANDAMUS AND FURTHER WRITS AND DIRECTIONS.

(54)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No. 2639/04

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
देश सहित	**15.09.2004** Smt. Reema Dubey, counsel for the petitioner. Shri N.K. Agarwal, Dy. Adv. Gen. for respondent No.1 & 3. Shri H.B. Agarwal, for respondent No.2. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the evaluation of Biology & Chemistry answer sheets of the petitioner done by the respondents. Petitioner's petition is that the petitioner is a meritorious student right from the primary school, he always secured 1st division, he secured 72.2% in Class 10th & 83.3% in Class 12th (Annexure P-1 & P-2). The petitioner has appeared in the Pre-Medical Test, 2004 vide Roll No.4703043 on 04.6.2004 & 06.04.2004. The petitioner has answered almost all the questions in the said examination, he was reasonably expecting fair and adequate marking of his answer sheets and also expecting that he will get the admission in the M.B.B.S. course. The petitioner was shocked and astonished to learn about the poor marks awarded to him in all the papers, he has been awarded 130 marks in Physics, 180 marks in Chemistry, 180 marks in Biology, 168 in General Science, whereas he was expecting 240 marks each in Biology & Chemistry out of 300 marks. It is true that Rules with regard to the revaluation have not been expressly made by the respondents, yet several students have applied for such revaluation against system adopted by the respondents, the total exercise having been left to the region of executive discretion is worth challenge. Accordingly, as per rules, the petitioner vide Annexure P-8	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.NO. 2639/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

applied for re-totalling and on re-totalling no mistake was found in totaling of the marks of the petitioner.

I have heard the learned counsel for the parties.

It is an admitted position that in the Pre-Medical Test there is no provision for revaluation of the answer sheets, however recounting of the marks is permissible under the Rules. As learned counsel for respondent No.2/Board submits that in the Pre-Medical Test for evaluation of answer papers (Optical Mark Reader sheet) of a candidate, a system known as "Computer Topography System by Scanning Method" has been adopted. In this system a candidate is required to answer the questions by filling only one circle out of four given in the answer sheet by ball point pen; in the first instance that answer sheet will be scanned by electronic scanner, then the scanner transfers the data to the computer and as a final step, the computer which is programmed to score the correct answers and deduct marks for the wrong ones will in the first place, score and then assign ranks. The Optical Mark Reader sheets are used in order to simplify the procedure of evaluation of the answer papers and also to ensure highest accuracy. There is no manual application in this system, therefore, there can be no chance of human error or any biased or manipulations.

In this case the petitioner has not been able to demonstrate that how the said system is defective, whether there are any chances of wrong evaluation or there is any flaw in the system, which makes the authenticity of the evaluation in any manner doubtful.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2639/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the second place, as has been held by the Hon'ble Apex Court in the matter of **Pramod Kumar Shrivastava Vs. Bihar Public Service Commission reported in AIR SCW 2004, 4541** that where under the relevant rules there is no provisions where a candidate can ask for re-valuation of his answer book then the Court is not entitle to pass the order for revaluation of answer book. Therefore, in view of the above position, I am of the opinion that there is no substance in this writ petition, same is liable to be dismissed and accordingly, it is dismissed at the admission stage itself. Consequently, M.W.P. No.2326/04 & I.A. Nos.5839/04 & 5838/04 also dismissed. **Sd/-** **L.C. Bhadoo** **Judge**	

[पीछे देखिये